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Attorneys for Defendant: Otto Trucking LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Waymo LLC,

Plaintiff,

v.

Uber Technologies, Inc.; Ottomotto LLC; Otto
Trucking LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANT OTTO TRUCKING LLC'S
OBJECTIONS AND RESPONSES TO
PLAINTIFF'S STATEMENT REGARDING
TRADE SECRETS (DKT # 1720)**

Courtroom: 8 - 19th Floor
Judge: Hon. William Alsup

Trial Date: October 10, 2017

1 Defendant Otto Trucking LLC (“Otto Trucking”) hereby objects and responds to Plaintiff
2 Waymo, LLC’s (“Waymo” or “Plaintiff”) Statement regarding trade secrets (Dkt 1720).

3 The Court should not reverse its order requiring Waymo to narrow its trade secrets. The
4 Court has the inherent power to narrow the claims in dispute. *See In re Katz Interactive Call*
5 *Processing Patent Litg*, 639 F.3d 1303, 1311-12 (Fed. Cir. 2011) (holding that district court’s
6 requirement that plaintiff narrow its patent claims from 1,975 claims to 16 claims per defendant
7 group was part of the Court’s inherent powers to manage complex cases and did not violate due
8 process); *see also Apple, Inc. v. Samsung Elect. Co., Ltd.*, 67 F. Supp. 3d 1100 (N.D. Cal. 2014)
9 (rejecting plaintiff’s argument that court-ordered procedure narrowing patent claims to five claims
10 deprived it of its right to protect its patents because plaintiff could not show how other claims
11 were not duplicative of the ones already tried). Here, like the plaintiffs in *Katz* and *Apple*, Waymo
12 alleged claims based on 121 alleged trade secrets. In this type of complex intellectual property
13 case, the Court properly exercised its inherent powers to manage the case and ordered that Waymo
14 narrow its claims to eliminate largely duplicative claims.

15 Nothing in the Stroz Report should affect the Court’s prior order or the current trial
16 schedule as to Otto Trucking. Other than ten password protected files that Otto Trucking is
17 working with Stroz to access, Otto Trucking’s production is complete. Waymo continues to have
18 no evidence of any use of any alleged trade secrets by Otto Trucking.

19
20 Dated: September 21, 2017

Respectfully submitted,

21 By: /s/ Neel Chatterjee

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on **September 21, 2017**. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed on **September 21, 2017**.

/s/ Neel Chatterjee
NEEL CHATTERJEE